



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII, MONTANA OFFICE
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HELENA, MONTANA 59626-0096

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OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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Ref: 8MO

May 15, 1995

Mr. Richard Hopkins, Area Manager
Bureau of Land Management
Great Falls Resource Area
812 14 Street North
Great Falls, Montana 59401

To: Bill Dinkerson	From: Bill GEISE/EPA8
Dept./Agency: OFA	Phone: (303) 223-1701
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NSN 7540-01-317-7388	5099-101 GENERAL SERVICES ADMINISTRATION

Re: Draft Sweet Grass Hills RMP
Amendment and EIS

Dear Mr. Hopkins:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency, Region VIII, Montana Office (EPA) reviewed the Draft Sweet Grass Hills Amendment to the West HiLine Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS)

The Great Falls Resource Area, Lewistown District, of the Bureau of Land Management has evaluated four alternatives providing options for management of land adjustment, off-road vehicle use, oil and gas leasing, and locatable mineral development for BLM lands in the Sweet Grass Hills of Toole and Liberty Counties, Montana. This includes 7,717 surface acres, 19,765 acres of mineral estate, and 1,644 acres of only oil & gas estate. The draft RMP Amendment and DEIS were developed in response to mining proposals in the Sweet Grass Hills Area of Critical Environmental Concern (ACEC), and public concern that mining would degrade areas of Native American spiritual importance and potable aquifers in the East Butte area.

The BLM has selected a preferred alternative, Alternative C, that for locatable mineral management would have the BLM file a petition with the Secretary of Interior that Federal minerals in the Sweet Grass Hills ACEC (6,328 acres) be withdrawn from locatable mineral entry for a 20-year term along with 262 acres adjacent to the ACEC and 160 acres in the Sage Creek area. Validity exams of existing claims in the withdrawal area (14 claims) would be conducted to determine valid existing property rights. The BLM would encourage holders of valid claims to relinquish their claims through purchase, exchange, or through conservation easements from private sources.

The EPA is glad to see the BLM respond to public concerns to protect areas of Native American spiritual importance and potable aquifers important to local residents by considering alternative management options for the Sweet Grass Hills. The DEIS, however, states that with the preferred alternative foreseeable hardrock exploration and development could still occur on private minerals, Federal minerals (any valid claims), or most likely a combination of private and Federal minerals.

We presume that this means that holders of valid claims are not likely to relinquish their claims to BLM despite the encouragement from BLM proposed with the preferred alternative. As we understand it mining could take place if the miner holding valid claims chooses not to relinquish such claims to BLM.

The DEIS also states that foreseeable hardrock exploration and development would not occur with implementation of Alternative D, where BLM would discourage further exploration and development on remaining valid claims, and would pursue relinquishment of valid claims through purchase, exchange, condemnation, or conservation easements from private sources. We believe acquisition of such claims within or adjacent to the Sweet Grass Hills ACEC is needed to insure protection of traditional Native American spiritual values and aquifers that provide potable water to local residents.

The EPA believes that the preferred alternative should be revised to have the BLM discourage further exploration and development on remaining valid claims, and actively pursue acquisition of valid claims within and adjacent to the ACEC rather than to simply encourage holders of such claims to relinquish their claims.

We believe Congressional approval should be requested, if need be, for such purchase or condemnation of mining claims in order to insure that the purpose and need for the RMP Amendment are met. Protection of traditional spiritual values of Native Americans and aquifers that provide potable water to local residents cannot be insured if underground or open pit mining using the cyanide heap leaching process occurs. As stated in the DEIS, "A mining operation within the Tootsie Creek basin could result in the permanent loss of traditional Native American spiritual practices associated with this area."

The Sweet Grass Hills RMP Amendment and EIS should be provided to Congress for their review of provisions of the 1872 Mining Law because the EIS may serve as the basis for modifying Congressional approval or funding in light of NEPA's goals and policies.

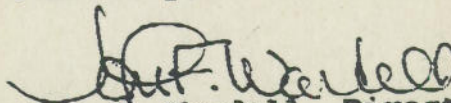
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Our more detailed comments, questions, and concerns regarding the analysis, documentation, or potential environmental impacts of the Sweet Grass Hills Amendment and DEIS are enclosed for your review and consideration as you complete the Final Environmental Impact Statement (FEIS).

Based on the procedures EPA uses to evaluate the adequacy of the information in the EIS and the environmental impacts of the proposed action and alternatives, the DEIS for the Sweet Grass Hills Amendment will be listed in the Federal Register in category EC-2 (environmental concerns, insufficient information). This category indicates that EPA has identified areas of potential impacts, specifically concerning cultural resources, and water resources which should be avoided in order to fully protect the environment. Also, the EIS requires additional resource information in order to fully assess environmental impacts that should be avoided.

The EPA appreciates the opportunity to review and comment on the DEIS. If we may provide further explanation of our concerns please contact Mr. Steve Potts of my staff in Helena at (406) 449-5486 ext. 232. Thank you for your consideration.

Sincerely,


John F. Wardell, Director
Montana Office

Enclosure

cc: w/enclosure

Bill Geiss/Arlene Butler, EPA, Denver, 8WM-EA
John Thompson/Tim Bozorth, BLM, Billings
Steve Tralles/Tom Reid, MDHES-WQD, Helena
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